

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JIMMY LEE DAVIS, #51030

PLAINTIFF

vs.

CIVIL ACTION No.: 3:21-CV-556-HTW-LGI

**STEPHANIE PATRICK, SANDRA WILLIAM,
HECTOR PORTILLIO, and PAMELA ROBINSON**

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before this court pursuant to the May 18, 2023, Report and Recommendation of United States Magistrate Judge LaKeysha Greer Isaac [**Docket no. 73**]. In her Report and Recommendation, the Magistrate Judge recommended that Defendants' Motion for Summary Judgment [Docket no. 51] be denied without prejudice. The Magistrate Judge found that the record in this case was not clear with respect to whether Plaintiff ever submitted a grievance regarding his assault claims against Defendants. The Magistrate Judge, however, stated that Defendants could re-urge their summary judgment motion "with evidence specifically addressing the exhaustion of Plaintiff's remaining assault claims." *Id.* at 8.

The Magistrate Judge further advised the parties of their right to file objections to her Report and Recommendation within fourteen (14) days of service thereof. To date, no objections to the Report and Recommendation have been filed. Defendants, however, filed, on July 22, 2023, a "Renewed Motion for Summary Judgment" [Docket no. 79]. This Renewed Motion shall be discussed in a separate written Order.

This court finds that the Report and Recommendation of the United States Magistrate Judge is well-taken; therefore, the Report and Recommendation [**Docket no. 73**] is hereby **ADOPTED** as the order of this court for the reasons presented therein. In lockstep with the Magistrate Judge's findings, this court hereby denies Defendants' Motion for Summary Judgment [Docket no. 51] without prejudice.

SO ORDERED this the 7th day of September, 2023.

/s/HENRY T. WINGATE
UNITED STATES DISTRICT COURT JUDGE